

HOUSE BILL 2921

By West

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 12, relative to public access to information concerning public contracts and grants.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 12, Chapter 1, Part 1, is amended by inserting the following as a new, appropriately designated section thereto:

(a) As used in this section, unless the context otherwise requires:

(1) "Entity" means the state and any political subdivision of the state as well as any corporation, association, partnership, limited liability company, sole proprietorship, or any other legal business entity, whether operated for profit or not for profit, as well as any other grantee or contractor. "Entity" does not include a subcontractor or subgrantee, any individual who is the recipient of state or local assistance, or any state or local employee;

(2) "Searchable web site" means a web site that allows the public to:

(A) Search and aggregate state awards by any element required by subdivision (b)(1);

(B) Ascertain through a single search the total amount of state awards received by an entity by fiscal year. and

(3) "State award" means all state financial assistance and expenditures, including grants, loans, awards, cooperative agreements, and other forms of financial assistance, as well as contracts, purchase orders, task orders, and delivery orders. Any individual transaction less than five thousand dollars (\$5,000) is not a state award.

(b)

(1) No later than July 1, 2009, the department of finance and administration shall ensure the existence and operation of a single searchable web site, accessible by the public at no cost, which includes for each state award:

(A) The name and address of the entity receiving the award and of the parent entity of the entity receiving the award, if any;

(B) The amount of the award and length in years of its duration;

(C) Information on the award including transaction type, funding agency, the program source, and an award title descriptive of the purpose of each funding action;

(D) The location of the entity receiving the award and the primary location of performance under the award, including the city and county; and

(E) Any other relevant information specified by the department of finance and administration.

(2) The web site shall include data for fiscal year 2008, and each fiscal year thereafter.

(3) The commissioner of finance and administration is authorized to designate one (1) or more state agencies to participate in the development, establishment, operation, and support of the single web site. In the initial designation, or in subsequent instructions and guidance, the commissioner may specify the scope of the responsibilities of each such agency.

(4) State agencies shall comply with the instructions and guidance issued by the commissioner of finance and administration pursuant to subdivision (b)(3), and shall provide appropriate assistance to the commissioner upon request, so

as to assist the commissioner in ensuring the existence and operation of the single web site.

(c) The web site established pursuant to this section:

(1)

(A) May use as the source of its data other state data sources if any such data source used is searchable through the web site and can be accessed by a user in a search of the web site required by this section, provided that the user may:

(i) Specify such search shall be confined to state contracts, purchase orders, task orders and delivery orders; or

(ii) Specify such search shall be confined to grants, loans, awards, cooperative agreements, and other forms of financial assistance.

(B) The web site shall not be considered in compliance if it hyperlinks to another existing web site so that the information elements required by subdivision (b)(1) cannot be searched electronically by field in a single search;

(2) Shall be finalized only following an opportunity for the public to provide comment about the utility of the site and recommendations for improvements;

(3) Shall be updated not later than thirty (30) days after the award of any state award requiring a posting; and

(4) Shall provide for separate searches for state awards described in subsection (a) to distinguish between those state awards described as grants, loans, awards, cooperative agreements or other forms of financial assistance and

those state awards described as contracts, purchase orders, task orders, or delivery orders.

(d) This section shall not be construed to prevent the department of finance and administration from including through the web site established pursuant to this section access to data that is publicly available in any other state database.

(e)

(1) The commissioner of finance and administration shall submit to the joint evaluation committee on governmental operations of the general assembly an annual report regarding the implementation of the web site established pursuant to this section.

(2) Each report submitted pursuant to subdivision (e)(1) shall include:

(A) Data regarding the usage and public feedback on the utility of the site, including recommendations for improving data quality and collection; and

(B) An assessment of the reporting burden placed on state award recipients.

(3) The commissioner of finance and administration shall make each report submitted pursuant to subdivision (e)(1) publicly available on the web site established pursuant to this section.

SECTION 2. The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the

act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.